



## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-357-820, C-357-821, A-560-830, C-560-831]

### Biodiesel from Argentina and Indonesia: Continuation of Antidumping Duty Orders and Countervailing Duty Orders

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders and countervailing duty (CVD) orders on biodiesel from Argentina and Indonesia would likely lead to the continuation or recurrence of dumping, and countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

**DATES:** Applicable June 8, 2023.

**FOR FURTHER INFORMATION CONTACT:** Mark Hoadley, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3148.

### SUPPLEMENTARY INFORMATION:

#### Background

On January 4, and April 26, 2018, Commerce published in the *Federal Register* the AD and CVD orders on biodiesel from Argentina and India, respectively.<sup>1</sup> On December 1, 2022,

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<sup>1</sup> See *Biodiesel from the Republic of Argentina and the Republic of Indonesia: Countervailing Duty Orders*, 83 FR 522 (January 4, 2018), and *Biodiesel from the Republic of Argentina and the Republic of Indonesia: Antidumping Duty Orders*, 83 FR 18278 (April 26, 2018) (collectively, *Orders*); see also *Biodiesel from the Republic of Argentina and the Republic of Indonesia: Countervailing Duty Orders*, 83 FR 3114 (January 23, 2018) (correction to the CVD order).

the ITC instituted,<sup>2</sup> and Commerce initiated,<sup>3</sup> the first sunset review of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and therefore, notified the ITC of the magnitude of the margins of dumping and subsidy rates likely to prevail should the *Orders* be revoked.<sup>4</sup>

On June 8, 2023, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>5</sup>

#### Scope of the *Orders*

The product covered by the *Orders* is biodiesel, which is a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, including biologically-based waste oils or greases, and other biologically-based oil or fat sources. The *Orders* cover biodiesel in pure form (B100) as well as fuel mixtures containing at least 99 percent biodiesel by volume (B99). For fuel mixtures containing less than 99 percent biodiesel by volume, only the biodiesel component of the mixture is covered by the scope of the *Orders*. Biodiesel is generally produced to American Society for Testing and Materials International (ASTM) D6751 specifications, but it can also be made to other specifications. Biodiesel commonly has one of the following Chemical Abstracts Service (CAS) numbers, generally depending upon the feedstock used: 67784-80-9 (soybean oil methyl esters); 91051-34-2 (palm oil methyl esters); 91051-32-0 (palm kernel oil methyl esters); 73891-99-3 (rapeseed oil methyl esters); 61788-61-2 (tallow methyl esters); 68990-52-3 (vegetable oil methyl esters); 129828-16-6 (canola oil methyl

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<sup>2</sup> See *Biodiesel from Argentina and Indonesia: Institution of Five-Year Reviews*, 87 FR 73781 (December 1, 2022).

<sup>3</sup> See *Initiation of Five-Year (Sunset) Reviews*, 87 FR 73757 (December 1, 2022).

<sup>4</sup> See *Biodiesel from Argentina and Indonesia: Final Results of Expedited Sunset Reviews of the Antidumping Duty Orders*, 88 FR 19920 (April 4, 2023), and accompanying Issues and Decision Memorandum (IDM) and *Biodiesel from Argentina and Indonesia: Final Results of Expedited First Sunset Reviews of the Countervailing Duty Orders*, 88 FR 20130 (April 5, 2023), and accompanying IDM.

<sup>5</sup> See *Biodiesel from Argentina and Indonesia*, 88 FR 37579 (June 8, 2023) (*ITC Final Determination*).

esters); 67762-26-9 (unsaturated alkylcarboxylic acid methyl ester); or 68937-84-8 (fatty acids, C12-C18, methyl ester). The B100 product subject to the *Orders* is currently classifiable under subheading 3826.00.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), while the B99 product is currently classifiable under HTSUS subheading 3826.00.3000.

Although the HTSUS subheadings, ASTM specifications, and CAS numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

#### Continuation of the *Order*

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders*. U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be June 8, 2023.<sup>6</sup> Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to fifth anniversary of the date of the last determination by the Commission.

#### Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested.

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<sup>6</sup> See *ITC Final Determination*.

Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

**Dated:** June 9, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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